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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,267	07/29/2003	Yukio Miyashita	107101-00049	4725
;	7590 07/01/2004		EXAM	INER
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC SOLIS, ERICK			ERICK R	
Suite 400		<i>f</i>		
1050 Connecticut Avenue N.W.		ART UNIT ,	PAPER NUMBER	
Washington I	C 20036-5339		3747	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			1/1			
	Application No.	Applicant(s)	11//			
	10/628,267	MIYASHITA ET AL.	in ,			
Office Action Summary	Examiner	Art Unit				
	Erick R Solis	3747				
The MAILING DATE of this communication ap	opears on the cover sheet with	h the correspondence address	S			
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPI THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply within the statutory minimum of thirty d will apply and will expire SIX (6) MONT te, cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this commun NDONED (35 U.S.C. § 133).	ication.			
Status						
1) Responsive to communication(s) filed on						
2a) This action is <b>FINAL</b> . 2b) ⊠ Th	is action is non-final.					
3) Since this application is in condition for allows	ance except for formal matte	rs, prosecution as to the mer	its is			
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D.	11, 453 O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-19 is/are pending in the application	n.					
4a) Of the above claim(s) is/are withdra	awn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-19</u> is/are rejected.						
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/	or election requirement.					
Application Papers						
9) The specification is objected to by the Examin	er.					
10)⊠ The drawing(s) filed on 29 July 2003 is/are: a	☐ The drawing(s) filed on <u>29 July 2003</u> is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the E	Examiner. Note the attached	Office Action or form PTO-15	52.			
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).				
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documer	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the price	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Burea	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a lis	t of the certified copies not re	eceived.				
Attachment(s)						
Notice of References Cited (PTO-892)	4) 🔲 Interview Su	mmary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)	Mail Date				
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date <u>11/6/2003</u> .	5) Notice of Info 6) Other:	ormal Patent Application (PTO-152)				

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Satou et al (US Patent No. 5546903). This reference teaches learning of a fully closed position of a throttle valve, further wherein during certain operating conditions learning is inhibited. See Fig. 5, col. 6, lines 64+ and col. 7, lines 19+.
- 2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nada (US Patent Application Publication 2001/0039939). See the abstract. See also paragraphs 12-14 and 90.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick R. Solis whose telephone number is (703) 308-2651. The examiner can normally be reached on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Erick R. Solis
Primary Examiner
Art Unit 3747

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June 28, 2004